

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015070984

v.

LAKE ELSINORE UNIFIED SCHOOL
DISTRICT,

LAKE ELSINORE UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2015050954

v.

ORDER GRANTING STUDENT’S
MOTION TO CONSOLIDATE

PARENT ON BEHALF OF STUDENT.

BACKGROUND INFORMATION

The Lake Elsinore Unified School District filed a Request for Due Process (complaint) in Office of Administrative Hearings case number 2015050954 (District’s case) naming Student. District’s complaint requests an order from OAH finding its May 8, 2015 assessments of Student valid such that it does not have to fund independent educational evaluations for him. District also requests an order finding that its May 11, 2015 individualized education program offered Student a free appropriate public education in the least restrictive environment.

On July 13, 2015, Student filed a complaint in OAH case number 2015070984 (Student’s case) naming District. Student’s complaint contests the validity of District’s May 11, 2015 IEP offer and further contends that District failed to assess him in all areas of suspected disability.

On the same day he filed his complaint, Student filed a motion to consolidate his case with District’s case. District filed a response to Student’s complaint on July 21, 2015. In the response, District stated it did not oppose the motion to consolidate.

DISCUSSION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, Student's case and District's case both raised the issue of whether District's May 11, 2015 IEP offer provided Student with a FAPE in the least restrictive environment. Both cases raised issues concerning the validity and scope of the assessments District conducted in May 2015. The cases therefore involve common questions of law or fact, and will involve many of the same witnesses and the same documents. Consolidation of the cases therefore furthers the interest of judicial economy by avoiding the need to hold two hearings on similar, if not identical, issues. Additionally, District does not oppose consolidation.

For these reasons, Student's motion to consolidate is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015050954 [District's case] are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2015070984 [Student's case].

DATE: July 29, 2015

/s/

DARRELL LEPKOWSKY

Administrative Law Judge

Office of Administrative Hearings